

Passed by the House on April 16, 2015: Yeas 146, Nays 0, 2 present, not voting;
passed by the Senate on May 20, 2015: Yeas 31, Nays 0.

Approved June 1, 2015.

Effective September 1, 2015.

**DESIGNATING SEPTEMBER AS HYDROCEPHALUS
AWARENESS MONTH**

CHAPTER 285

H.B. No. 1052

AN ACT

relating to designating September as Hydrocephalus Awareness Month.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 662.106(a), Government Code, is amended to read as follows:

(a) *September* [~~October~~] is Hydrocephalus Awareness Month to:

(1) increase public awareness of hydrocephalus, a serious neurological condition characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain; and

(2) encourage the development of partnerships between the federal government, health care professionals, and patient advocacy groups to advance the public's understanding of the condition, improve the diagnosis and treatment of the condition, and support research for a cure.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on April 30, 2015: Yeas 135, Nays 4, 1 present, not voting;
passed by the Senate on May 20, 2015: Yeas 31, Nays 0.

Approved June 1, 2015.

Effective June 1, 2015.

**PRESERVATION OF TOXICOLOGICAL EVIDENCE
COLLECTED IN CONNECTION WITH CERTAIN
INTOXICATION OFFENSES**

CHAPTER 286

H.B. No. 1264

AN ACT

relating to the preservation of toxicological evidence collected in connection with certain intoxication offenses.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.50 to read as follows:

Art. 38.50. RETENTION AND PRESERVATION OF TOXICOLOGICAL EVIDENCE OF CERTAIN INTOXICATION OFFENSES. (a) In this article, "toxicological evidence" means a blood or urine specimen that was collected as part of an investigation of an alleged offense under Chapter 49, Penal Code.

(b) *This article applies to a governmental or public entity or an individual, including a law enforcement agency, prosecutor's office, or crime laboratory, that is charged with the collection, storage, preservation, analysis, or retrieval of toxicological evidence.*

(c) *An entity or individual described by Subsection (b) shall ensure that toxicological evidence collected pursuant to an investigation or prosecution of an offense under Chapter 49, Penal Code, is retained and preserved, as applicable:*

(1) *for the greater of two years or the period of the statute of limitations for the offense, if the indictment or information charging the defendant, or the petition in a juvenile proceeding, has not been presented;*

(2) *for the duration of a defendant's sentence or term of community supervision, as applicable, if the defendant is convicted or placed on community supervision, or for the duration of the commitment or supervision period applicable to the disposition of a juvenile adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision; or*

(3) *until the defendant is acquitted or the indictment or information is dismissed with prejudice, or, in a juvenile proceeding, until a hearing is held and the court does not find the child engaged in delinquent conduct or conduct indicating a need for supervision.*

(d) *For each offense subject to this article, the court shall determine as soon as practicable the appropriate retention and preservation period for the toxicological evidence under Subsection (c) and notify the defendant or the child or child's guardian and the entity or individual charged with storage of the toxicological evidence of the period for which the evidence is to be retained and preserved. If an action of the prosecutor or the court changes the applicable period under Subsection (c), the court shall notify the persons described by this subsection about the change.*

(e) *The entity or individual charged with storing toxicological evidence may destroy the evidence on expiration of the period provided by the notice most recently issued by the court under Subsection (d).*

(f) *To the extent of any conflict between this article and Article 2.21 or 38.43, this article controls.*

SECTION 2. Article 38.50, Code of Criminal Procedure, as added by this Act, applies to all toxicological evidence stored by an entity or individual on or after the effective date of this Act, regardless of whether the evidence was collected before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.

Passed by the House on May 8, 2015: Yeas 138, Nays 4, 2 present, not voting; passed by the Senate on May 20, 2015: Yeas 31, Nays 0.

Approved June 1, 2015.

Effective September 1, 2015.

ESTABLISHMENT OR USE OF CEMETERIES IN CERTAIN MUNICIPALITIES

CHAPTER 287

H.B. No. 1415

AN ACT

relating to establishment or use of cemeteries in certain municipalities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (h), Section 711.008, Health and Safety Code, as added by Chapter 367 (S.B. 131), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (i), Section 711.008, Health and Safety Code, and amended